IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Crl.Rev.Pet.No. 993 of 1998()

CC.758/1997 of JUDL.MAGISTRATE OF FIRST CLASS, KARUNAGAPPALLY
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REVN. PETITIONER:

SIVARAMAN, GREESHMAM VEEDU,
PADANAYARKULANGARA SOUTH MURI,
KARUNAGAPPALLY VILLAGE.

BY ADV. SRI.V.N.ACHUTHA KURUP (SR.)
SRI.B.S.SWATHY KUMAR

RESPONDENTS:
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1. S.UNNIKRISHNAN, KAMALA VIHARIL,
PADANAYARKULANGARA NORTH MURI,
KARUNAGAPPALLY VILLAGE.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH
SRI.ANIL K.NAIR
SRI.B.UNNIKRISHNA KAIMAL
SRI.V.MADHUSUDHANAN
SRI.PRAMJI PAUL VAZHAPPILLY

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.R.P.No.993 of 1998-A

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Dated this the 16th day of October, 2007

O R D E R

The revision petitioner is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The grievance is that the court below on the accused pleading guilty sentenced him only to pay a fine of Rs.3,500/-. The cheque amount involved is Rs.50,000/-.

2. In the circumstances, the order of the court below is set aside. The matter is remitted to the court below for fresh disposal on merits after permitting the parties to adduce evidence if they so desire. The case is posted before the court below on 20/11/2007 on which date the parties shall appear before the court below. The court below is directed to dispose of the matter at the earliest, at any rate, within three months from the date of receipt of the copy of this order.

K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

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Crl.R.P.No.993 of 1998-A

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O R D E R

16th October, 2007